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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,413	11/26/2003	Kai Miao	PI6482	2625

28062 7590 02/23/2007
BUCKLEY, MASCHOFF, TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/723,413

Applicant(s)

MIAO, KAI

Examiner

Thjuan P. Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on November 20, 2006 has been entered. No claims have been amended. Claims 1-26 have been cancelled. Claims 27-49 have been added. Claims 27-49 are now pending in this application, with claims 27, 33, 40, and 46 being independent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27, 30-33, 36, 39-41, 43, 44, and 46-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Beyda et al (US 6,404,873).

3. In regards to claims 27, 32, 33, 36, 39-41, 43, 44, 46, 48, and 49, Beyda discloses a system, mixer, method, and apparatus comprising: a first sub-conference node; a second sub-conference node; a storage device comprising a party information table (See Fig. 2 and conference call subsystem 26); a mixing controller (See Fig. 3 and multipoint control unit (MCU) 12); a mixer (See Fig. 2 and data mixer 34), to select at least a first portion of conference information and a second portion of conference information received from the first sub-conference node and the second sub-conference

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node based on the party information table and the mixing controller, and to transmit the first portion of information to the first sub-conference node at a first time slot and to transmit the second portion of information to the second sub-conference at a second time slot (See col. 3 lines 27-37, col. 4-5 lines 66-29, col. 6 lines 14-34, and col. 7 lines 6-24).

4. In regards to claim 30, Beyda discloses the system, wherein the first portion of information is to be selected by a processor based on an attribute received from the first sub-conference node (See col. 7 lines 6-24).

5. In regards to claims 31 and 47, Beyda discloses the system and method, wherein the first portion of information is to be modified by the processor and the second portion of information is to be unmodified based on a change in the attribute received from the first sub-conference node (See col. 2-3 lines 55-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 28, 29, 34, 35, 37, 38, 42, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda et al (US 6,404,873), in view of Su et al (US 6,463,414).

7. In regards to claims 28, 29, 34, and 35, Beyda discloses all of claims 28, 29, 34, and 35 limitations, except a voice activity detector to determine if the first sub-

conference node or the second sub-conference node is speaking; wherein the results of the voice activity detector are received at the mixing controller, and wherein the mixing controller transfers the results to the mixer. Su, however, does disclose monitoring speech activity of the participants in the first group (See col. 7 lines 45-53), and wherein the results are transferred to the mixer (See col. 4-5 lines 62-11). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing a conference bridge or transcoder configured to intelligently handle multiple speech channels in the context of a packet network, wherein the various speech channels may adhere to a variety of speech encoding standards.

8. In regards to claim 42, Beyda discloses all of claim 42 limitations, except the method, wherein modifying the first sub-conference includes modifying the audio volume at the first sub-conference without modifying the audio volume of the second sub-conference. Su, however, does disclose wherein modifying the first sub-conference (e.g., first participant) includes modifying the audio volume at the first sub-conference without modifying the audio volume of the second sub-conference (e.g., second participant) (See col. 8 lines 52-65 and col. 9 lines 10-14).

9. In regards to claims 37, 38, and 45, Beyda discloses all of claims 37, 38, and 45 limitations, however, Beyda does not specifically disclose what the storage device is defined as. However, it is well known in the art for a storage device, memory, etc., to be a random access memory or a magnetic disk. Therefore, it would have been obvious

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for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of storing data/information.

Response to Arguments

10. Applicant's arguments with respect to claims 27-49 have been considered but are moot in view of the new ground(s) of rejection.

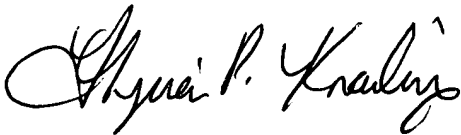
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Thjuan P. Knowlin', with a stylized, cursive script.

THJUAN P. KNOWLIN
PATENT EXAMINER
TECHNOLOGY CENTER 2600